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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,237	10/18/2003	Munif Farhan Halloush	DC-03112	2472

33438 7590 01/28/2008
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EXAMINER

GOMA, TAWFIK A

ART UNIT	PAPER NUMBER
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2627

NOTIFICATION DATE	DELIVERY MODE
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01/28/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/688,237	Applicant(s) HALLOUSH ET AL.	
	Examiner Tawfik Goma	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed on 5/31/2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-10, 12-13 and 18-20 rejected under 35 U.S.C. 102(e) as being anticipated by Pereira (US 6915374).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Pereira discloses an information handling system comprising:
information processing components operable to generate information for storage (10, fig. 1); an optical drive interfaced with the processing components and operable to accept the information for storage and to write the information to an optical medium according to a write strategy having a write speed (col. 1 lines 49-60 and col. 3 lines 11-15); a write strategy table associated

with the optical drive and having plural optical medium identification codes, each optical medium identification code having an associated write strategy (20, fig. 1); a general write strategy table associated with the optical drive and having plural preassigned optical medium identification codes, each preassigned optical medium identification code associated with one of plural general write strategies (22, 24, fig. 1 and col. 5 lines 21-30); each preassigned optical medium identification code associated with an optical medium planned for development by an optical medium manufacturer (col. 1 lines 64-67 and col. 2 lines 55-60), write strategy module operable to read an optical medium identification code from an optical medium and to provide the optical drive with the associated write strategy (18, fig. 1), the write strategy module further operable to read a preassigned optical medium identification code and to provide the optical drive with the associated general write strategy (col. 5 lines 18-30).

Regarding claim 2, Pereira further discloses a generic write strategy associated with unknown optical medium identification codes, wherein the write strategy module is further operable to read an unknown optical medium identification code and to provide the optical drive with the generic write strategy associated with unknown identification codes (col. 5 lines 12-16).

Regarding claim 3, Pereira further discloses wherein each preassigned optical medium identification code is preassigned by optical media manufacturer and associated with a write strategy for writing information with the optical disc drive to an optical medium of the optical media manufacturer (col. 4 lines 18-21).

Regarding claim 4, Pereira further discloses wherein each preassigned optical

medium identification code is associated with an optical medium identification code of the write strategy table (col. 4 lines 21-25).

Regarding claim 7, Pereira further discloses wherein the optical disc drive comprises a DVD disc drive (col. 4 lines 11-15).

Method claims 8 and 9 are drawn to the method of using the corresponding apparatus claimed in claims 1 and 2 and 6 respectively. Therefore method claims 8 and 9 correspond to apparatus claims 1 and 2 and are rejected for the same reasons of anticipation as applied above.

Regarding claim 10, Pereira further discloses reading an optical medium identification code from an optical medium with the optical disc; determining that the optical medium identification code is a preassigned optical medium identification code; and writing information to the optical medium with the general write strategy associated with the preassigned optical medium identification code (col. 5 lines 3-12).

Regarding claim 12, Pereira further discloses preassigning identification codes by optical media manufacturer (col. 4 lines 21-25); and associating one or more write strategy parameters with a preassigned optical medium identification code according to a time stamp appended to the identification code (col. 4 lines 56-60).

Regarding claim 13, Pereira further discloses wherein the write strategy parameter comprises write speed (col. 1 lines 49-60 and col. 3 lines 11-15).

Regarding claim 18, Pereira discloses everything regarding the optical disc drive as applied to claim 1 above. Pereira further discloses wherein the planned optical media has design parameters and the write strategy associated with the preassigned optical medium

identification code providing for writes according to the design parameters (col. 1 lines 64-67 and lines 48-64).

Regarding claim 19, Pereira further discloses wherein the write strategy parameter comprises write speed (col. 1 lines 49-60 and col. 3 lines 11-15).

Regarding claim 20, Pereira further discloses wherein the preassigned optical medium identification code is preassigned by optical medium manufacturer and wherein the design parameters relate to an existing optical medium of the optical medium manufacturer (col. 4 lines 21-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pereira (US 6915374) in view of Matsumoto (US 2002/0105874).

Regarding claims 5 and 11, Pereira fails to disclose wherein each preassigned optical medium identification code general write strategy comprises a write speed and wherein the optical drive writes the information at the lesser of the write speed or the maximum speed of the optical drive. In the same field of endeavor, Matsumoto discloses a method of recording data wherein the write strategy comprises a write speed (fig. 5 and fig. 7), and the drive writes the information at the lesser of the write speed or the maximum speed of the optical drive (fig. 8). Matsumoto discloses that a CAV recording method is used until the maximum recording

velocity of the drive is exceeded, and the maximum velocity is used when it is exceeded by the CAV method. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the recording system disclosed by Pereira to use a write speed parameter and to limit the write speed at the maximum allowable write speed as taught by Matsumoto. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a recording velocity parameter in order to optimize recording based on the type of recording medium. Furthermore, one of ordinary skill in the art would have been motivated to record at the lower of the max speed and the selected speed in order to not exceed the limitations of the drive.

Claims 6 and 14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Pereira (US 6915374) in view of Shimoda (US 6381202).

Regarding claim 6 and 14, Pereira fails to disclose the identification codes comprising ATIP start codes. In the same field of endeavor, Shimoda discloses wherein the optical medium identification codes comprise ATIP start codes (fig. 5). It would have been obvious to provide ATIP start codes in order to have the disc be compatible with known CD-R type formatted discs.

Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimoda et al (US 6381202) in view of Lee et al (US 7173891).

Regarding claim 15, Shimoda discloses a method for configuring an optical disc drive to write information to optical media, the method comprising: preassigning optical medium identification codes to optical media manufacturers (fig. 4); associating design parameters of a planned optical media with the preassigned optical medium identification codes (s10, fig. 9 and fig. 6); communicating the preassigned optical medium identification codes and associated

design parameters to optical disc drive manufacturers (col. 1 lines 36-53 and col. 4 lines 66-67 thru col. 5 lines 1-3); building optical disc drives to recognize the preassigned optical medium identification codes and write information with a write strategy according to the design parameters (fig. 3); releasing optical media having the preassigned optical medium identification codes (col. 10 lines 6-19); and writing information from an optical disc drive to the released optical media with the general write strategy associated with the preassigned optical medium identification code (s10, fig. 9 and col. 8 lines 43-51). Shimoda fails to disclose wherein the preassigned optical medium identification codes are associated with an optical medium planned for development by an optical medium manufacturer. In the same field of endeavor, Lee discloses the use of pre-assigned write strategy information for an optical medium planned for development by an optical medium manufacturer (col. 5 lines 16-35 and col. 6 lines 25-37). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to associate the preassigned write strategies with discs which are planned for development. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have been motivated to associate the write strategies with discs planned for development in order to save memory on the drive by using similar disc parameters for the newly developed discs while changing only a few of the parameters to accommodate for the changes in the new discs.

Regarding claim 17, Shimoda discloses wherein the design parameters comprise similarities with one or more existing optical medium of the manufacturer (fig. 6 and fig. 7).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimoda (US 6381202) in view of view of Lee et al (US 7173891) and further in view of Matsumoto (US 2002/0105874).

Regarding claim 16, Shimoda fails to disclose wherein each preassigned optical medium identification code general write strategy comprises a write speed. In the same field of endeavor, Matsumoto discloses a method of recording data wherein the write strategy comprises a write speed (fig. 5 and fig. 7). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the recording system disclosed by Shimoda to use a write speed parameter as taught by Matsumoto. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a recording velocity parameter in order to optimize recording based on the type of recording medium.

Response to Arguments

Applicant's arguments filed 11/15/2007 have been fully considered but they are not persuasive. With respect to applicant's argument that Pereira fails to disclose providing pre-assigned write strategies for discs planned for development because Pereira downloads the strategies and does not pre-assign them in the optical drive, this argument is not persuasive because the features upon which applicant relies (i.e., pre-assigned codes *in* the optical drive) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim only recites that the write

strategy tables are 'associated' with the drive. Pereira's disclosure of tables which are downloaded anticipates the claim because this information is associated with the drive of Pereira.

Applicant's argument with respect to claim 15 are not persuasive because Pereira is not used in the rejection of this claim. The arguments are also moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tawfik Goma/
1/14/2008

/William Korzuch/
SPE, Art Unit 2627